

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TQ DELTA, LLC,

Plaintiff,

v.

COMMSCOPE HOLDING COMPANY,
INC., COMMSCOPE, INC., ARRIS US
HOLDINGS, INC., ARRIS SOLUTIONS,
INC., ARRIS TECHNOLOGY, INC., and
ARRIS ENTERPRISES, LLC,

Defendants.

Civil Action No.: 2:21-cv-310-JRG

**DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO FILE
SUPPLEMENTAL CLAIM CONSTRUCTION BRIEF**

Defendants CommScope Holding Company, Inc., CommScope Inc., ARRIS US Holdings, Inc., ARRIS Solutions, Inc., ARRIS Technology, Inc., and ARRIS Enterprises, LLC (collectively, “CommScope”) and Nokia of America Corp., Nokia Corp. and Nokia Solutions and Networks Oy (collectively, “Nokia”) (together, “Defendants”) respectfully request that the Court grant them leave to file a two-page supplemental claim construction brief. Good cause exists to grant Defendants’ motion because new facts arose after Defendants filed their Responsive Claim Construction Brief on May 6, 2022. Dkt. No. 135.

In particular, two days ago, on May 25, 2022, TQ Delta filed its Patent Owner’s Preliminary Responses in *inter partes* review (“IPR”) proceedings initiated by CommScope and Nokia relating to U.S. Patent No. 8,462,835 (the “‘835 patent”).¹ In the Preliminary Responses,

¹ TQ Delta’s Patent Owner’s Preliminary Responses are attached to Defendants’ proposed supplemental claim construction brief as Exhibits 37 and 38.

TQ Delta proposed a different construction of the term “flag signal” to the PTAB than it has proposed to the Court in this case. Ex. 37 at 9. TQ Delta also spends three pages of the Preliminary Responses criticizing Judge Andrews’s construction of “flag signal” in Delaware, *id.* at 5–9, despite claiming in prior briefing that its proposed construction here was “agreed-to in the Delaware case.” Dkt. No. 124 at 21. To the contrary, TQ Delta’s construction of “flag signal” here is different than what Judge Andrews adopted and was not agreed to by the parties in Delaware.

Given these new developments, Defendants respectfully request that they be permitted to file their supplemental claim construction brief, along with TQ Delta’s Preliminary Responses, so that the Court has the benefit of a complete record at the upcoming *Markman* hearing in this matter.

Dated this 27th day of May, 2022

Respectfully submitted,

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Plaintiff, Nokia of America Corporation*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel on May 27, 2022.

/s/ Eric H. Findlay
Eric H. Findlay

CERTIFICATE OF CONFERENCE

This is to certify that counsel for Defendants have complied with the meet and confer requirement in Local Rule CV-7(h) on May 27, 2022. Plaintiff's counsel indicated that Plaintiff does not oppose this motion.

/s/ Eric H. Findlay
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